

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MANUEL TPEZ CHAVEZ,

Plaintiff,

v.

SHAHINI CORPORATION,
DBA BROOKLYN PIZZERIA,

Defendant.

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CIVIL ACTION NO. 4:19-cv-02324

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 15(a), Plaintiff respectfully moves the Court for leave to file the attached First Amended Complaint in order to add a new party as a defendant, two new parties as plaintiffs, and to withdraw Plaintiff’s minimum wage and breach of contract claims. Plaintiff shows the following in support:

1. This is an action for unpaid overtime pay and minimum wages under the Fair Labor Standards Act or, in the alternative, the Texas Minimum Wage Act, and for breach of contract.
2. Defendant Shahini Corporation no longer owns the restaurant known as Brooklyn Pizzeria in Richmond, Texas, that employed the Plaintiff.
3. Defense counsel has represented to Plaintiff’s counsel that, at some point during Plaintiff’s employment at Brooklyn Pizzeria, a corporation called Erindi, L.L.C. acquired Shahini Corporation’s interest in the Brooklyn Pizzeria location in Richmond, Texas, and continued substantially the same operations under the same name as before.
4. Defense counsel has represented to Plaintiff’s counsel that Erindi, L.L.C. continues to own the Brooklyn Pizzeria location in Richmond, Texas.

5. Plaintiff elects to withdraw his breach of contract claim, Texas Minimum Wage Act claim, and his minimum wage claim under the Fair Labor Standards Act, all of which resulted from a single week of work that accounted for a small fraction of his total claim.

6. Plaintiff is within the deadlines set forth in the Docket Control Order entered by this court to join new parties and amend Plaintiff's pleadings.¹ (Doc. # 22.)

7. Granting leave to file Plaintiffs' First Amended Complaint would not unduly delay the proceedings or prejudice any party.

8. The current Defendant does not oppose this motion.

¹ Pursuant to the Docket Control Order, the deadline to join new parties in this action is February 14, 2020 and the deadline for Plaintiff to amend any pleadings is March 13, 2020.

Respectfully submitted,

By: EQUAL JUSTICE CENTER

/s/ Jordyn Rystrom Emmert

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I certify that I conferred with Defendant's attorney, Blair Burnside, by email on February 14, 2020 and he stated that Defendant does not oppose this motion.

/s/ Caitlin Boehne

Caitlin Boehne
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2020, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Blair H. Burnside
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/s/ Caitlin Boehne

Caitlin Boehne